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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,719	08/25/2003	Darren Neuman	1875.4480001	9850
26111	7590	11/17/2004		
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
			EXAMINER BARBEE, MANUEL L	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/646,719

Applicant(s)

NEUMAN ET AL.

Examiner

Manuel L. Barbee

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 10 is objected to because of the following informalities: On the second line of claim 10, delete "the between". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al. (US Patent No. 4,328,577) in view of Sebaa et al. (WESCON/94. 'Idea/Microelectronics'. Conference).

With regard to a switching device with multiple input and output ports and a testing output port, as shown in claim 1, Abbott et al. teach a multiplexer demultiplexer system with a monitor connectable to inputs or outputs for monitoring the data path (col., lines 5-41; col. 2, line 54 - col. 3, line 29; Fig. 1). With regard to a controller coupled to the switching device to control the testing output port to connect to a selected data path and permit analysis of a data path, as shown in claim 1, Abbott et al. teach controlling the monitor to monitor various signal paths for faults (col. 2, lines 54-63; col. 14, line 60 - col. 15, line 68). Abbott et al. do not teach that the switching device is coupled to a video source, as shown in claim 1.

Sebaa et al. teach a video controller and testing a video card having a data path upon which the video data passes (page 542, Section 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the muldem monitor system, as taught by Abbott et al., to include a video source, as taught by Sebaa et al., because then the video data path would have been tested without disrupting operation (Sebaa et al., Abstract; Abbott et al. col. 1, lines 1-23).

Abbott et al. do not teach a cyclic redundancy checksum (CRC) port, CRC analysis or a CRC module, as shown in claims 3-5. Sebaa et al. teach CRC analysis in a test answer evaluator (pages 542-543, Section 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the muldem monitor, as taught by Abbott et al., to include CRC analysis, as taught by Sebaa et al., because then the video data path would have been checked for errors (Sebaa, page 542, Abstract, Section 1).

4. Claim <sup>2</sup>~~4~~ is rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al. in view of Sebaa et al. as applied to claim 1 above, and further in view of Mann et al. (US Patent Application Publication 2001/0013104).

Abbott et al. and Sebaa et al. teach all the limitations of claim 1 upon which claim 2 depends. Neither Abbott et al. nor Sebaa et al. teach a video cross-bar device, as shown in claim 2. Mann et al. teach a cross-bar system for video (par. 85). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the muldem system combination, as taught by Abbott et al. and Sebaa et al.,

to include a cross-bar system, as taught by Mann et al., because then a flexible method for routing video feeds would have been used (Mann et al. pars. 84-86).

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aagaard et al. (US Patent No. 3,928,730) in view of Abbott et al.

With regard to two switching devices both with multiple input and output ports and with the output ports of the first switching device connected to the input ports of the second switching device, as shown in claim 6, Aagaard et al. teach a matrix module switching network with three stages of switching devices (Fig. 1). Aagaard et al. do not teach a testing output port for monitor input or output ports or data paths, as shown in claim 6. Abbott et al. teach a monitor connectable to inputs or outputs for monitoring the data path (col., lines 5-41; col. 2, line 54 - col. 3, line 29; Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the matrix switching network, as taught by Aagaard et al., to include a monitoring apparatus, as taught by Abbott et al., because then the system would have been automatically adjusted for failures and errors would have been detected (Abbott et al., col. 1, lines 6-37).

Aagaard et al. do not teach a data collection device, as shown in claim 7. Abbott et al. teach a monitor connectable to inputs or outputs for monitoring the data path (col., lines 5-41; col. 2, line 54 - col. 3, line 29; Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the matrix switching network, as taught by Aagaard et al., to include a monitoring apparatus, as taught by

Abbott et al., because then the system would have been automatically adjusted for failures and errors would have been detected (Abbott et al., col. 1, lines 6-37).

6. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aagaard et al. in view of Abbott et al. as applied to claims 6 and 7 above, and further in view of Sebaa et al.

Aagaard et al. and Abbott et al. teach all the limitations of claims 6 and 7 upon which claims 8 and 9 depend. Aagaard et al. and Abbott et al. do not teach a CRC module and CRC checking, as shown in claims 8 and 9. Sebaa et al. teach CRC analysis in a test answer evaluator (pages 542-543, Section 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the matrix network combination, as taught by Aagaard et al. and Abbott et al., to include CRC analysis, as taught by Sebaa et al., because then video data paths would have been checked for errors (Sebaa, page 542, Abstract, Section 1).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel L. Barbee whose telephone number is 571-272-2212. The examiner can normally be reached on Monday-Friday from 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2857

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mlb  
November 9, 2004

  
MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
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